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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,981	11/06/2001	Brian Christopher Ford	1181 US	7661

20346 7590 12/17/2002

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EXAMINER

FLEMING, FAYE M

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,981

Applicant(s)

FORD ET AL.

Examiner

Faye Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- ☐ Interview Summary (PTO-413) Paper No(s). ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 12-14, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Carey, et al (3,586,347).

Carey, et al teaches an airbag comprising an inflatable cushion 13 made from a first material having an inflator opening 25; a baffle 30 having a second material; a baffle opening, wherein the opening is aligned with at least one-third of the inflator opening and the opening has an area at least one-half of the area of the inflator opening. The baffle opening is aligned with approximately one-half of the inflator opening and; the baffle opening has an area that is approximately double the area of the inflator opening, as shown in Figure 4. The baffle opening is disposed in the baffle so that a portion of the inflation gas passes through the baffle opening without contacting the baffle. The baffle opening is disposed in the baffle so that the baffle has no influence on the deployment trajectory of the airbag.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carey, et al (3,586,347) in view of Nelson, et al (6,283,499).

Carey, et al discloses the claimed invention except for a heat shield. Nelson, et al teaches a heat shield (See Col. 3, lines 2-5) having an inflator opening (See Col. 5, lines 25-27), also shown in Figure 1. The heat shield is made from a material different from that comprising the inflatable cushion (See Col. 5, lines 47-57). The heat shield is attached to the baffle. The baffle and the heat shield of Nelson, et al is made from a coated woven nylon fabric (See Col. 5, lines 47-51). The heat shield is attached to baffle by using double needle chain stitch 6, the stitching is approximately 10mm from the edge of the heat shield. Based on the teachings of Nelson, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag of Carey, et al to include a heat shield to protect the airbag.

5. Claims 6-9 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carey, et al (3,586,347) in view of Taguchi, et al (5,913,535).

Carey, et al discloses the claimed invention except for the two baffle openings having an oval or circular shape located in the upper section of the baffle. Taguchi, et al discloses an airbag comprising a baffle 22 having two openings 22a of oval and circular shape located in the upper section of the baffle. Based on the teachings of Taguchi, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the baffle openings of Carey, et al to include the two

baffle openings having an oval or circular shape located in the upper section of the baffle to control the air pressure of the airbag and; since increasing the amount of openings, changing the shape and the location of the openings would not change the function of the device and making the above changes for suitability of intended use would have been obvious to one having ordinary skill in the art.

Response to Arguments

6. Applicant's arguments filed September 26, 2002 have been fully considered but they are not persuasive. The applicant argues in the claimed invention the baffle does not burst but rather has an opening that allows inflation gas to flow into the airbag; the examiner notes the baffle having a opening does not preclude the baffle having a opening after deployment, further Carey clearly teaches the claimed structure.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

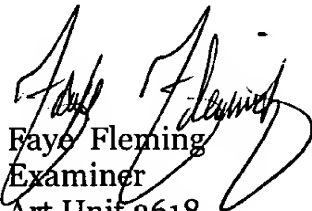
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-2571 for regular communications and (703) 308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Faye Fleming
Examiner
Art Unit 3618 12/16/02


PAUL N. DICKSON 12/16/02
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600